

BOARD OF SELECTMEN – SEPTEMBER 22, 2014

I. Call to Order

Chairman Dan Kowalski reconvened the Regular Meeting of the Board of Selectmen to order at 7:33 P.M. in the Selectmen's conference room in the Town Offices. Present: Chairman Kowalski-Y and Selectmen Paul Salafia-Y, Alex Vispoli-Y, Brian Major-Y, Mary O'Donoghue-Y. Also present: Town Manager Buzz Stapczynski and Town Clerk Larry Murphy. The meeting was duly posted and cablecast live.

II. Executive Session

At 6:30 P.M. on a motion by Brian Major and seconded by Mary O'Donoghue, the Board moved to go into Executive Session to review Executive Session minutes; for consultation with Town Counsel for confidential legal advice; to discuss the purchase, exchange, lease or value of real property and to discuss collective bargaining strategy and to return to Open Session. At 7:27 P.M., on a motion by Paul Salafia and seconded by Mary O'Donoghue, the Board moved to adjourn from Executive Session and move to Open Session, not to return to Executive Session. Roll call: Chairman Kowalski-Y and Selectmen Paul Salafia-Y, Alex Vispoli-Y, Brian Major-Y, Mary O'Donoghue-Y.

III. Opening Ceremonies

A. Moment of Silence/Pledge of Allegiance

Chairman Kowalski led the meeting in a Moment of Silence and Pledge of Allegiance.

IV. Communications/Announcements/Liaison Reports

The Town Manager acknowledged the fine job done by Chairman Dan Kowalski and Veterans Services Director Michael Burke on the 9/11 Program. Dan's remarks were inspiring and Michael Burke, along with the Patriotic Committee, always does a great job organizing the ceremony.

Selectmen are invited to join Mayor Rivera on September 30th at 7:30 A.M. at the Lawrence Elks for the Boy Scouts 2014 Distinguished Service Awards breakfast when Town Moderator Sheila Doherty and Representative Frank Moran will be honored.

Paul Salafia reported that they are moving forward with the Tax PILOT Program and will begin scheduling meetings with Merrimack College and Phillips Academy.

Mary O'Donoghue asked for the cost of the settlement with Mr. Berberian.

Alex Vispoli reported that the Economic Development Council (EDC) meeting last week was a good discussion on the potential zoning of the current Town Yard area. Many people attended the walking tour of the area and he applauded the efforts of the group for bringing notice to the area.

V. Citizens Petitions and Presentations

A. Andover Chamber of Commerce

Joe Bevilacqua, President and CEO of the Merrimack Valley Chamber of Commerce, invited the public to attend the Andover Chamber of Commerce Business Celebration on October 9th at the Andover Inn from 5:00 P.M. to 7:00 P.M. – the cost is \$25. This is an opportunity to thank the Andover business community and recognize the quality of the businesses in Andover. Mr. Bevilacqua has worked alongside many of Andover's officials to bring economic opportunities to the area.

Floyd Greenwood, Rosemont Drive and a member of the Conservation Commission, highlighted the boundaries of the Phillips Academy Boathouse property that are unique and necessary to consider because it is the only access to the Merrimack River from the Andover shoreline, is adjacent to a parcel controlled by the Conservation Commission, owned by Andover and currently inaccessible. Acquiring the PA Boathouse property would give Andover direct access to this parcel of land.

Mary Carbone, 3 Cyr Circle, asked if all members on the Economic Development Council are residents of the Town and, in her opinion, the pace of the zoning changes should be slowed down. She also requested that the Zoning Board meetings be televised. Alex Vispoli said the EDC reached out to all businesses and groups to join the EDC and, therefore, some members are not residents.

VI. Regular Business of the Board

A. Open Space Deed – Dawn Circle/Sunnyside Acres Subdivision

On a motion by Alex Vispoli and seconded by Brian Major, the Board voted 5-0 to accept and sign the Deed for Open Space to be under the care, custody, management and control of the Conservation Commission associated with the Sunnyside Acres subdivision and the acceptance of Dawn Circle as a public way.

B. Updates

~ Merrimack College Dormitory Project

A formal response to the letter from the Board of Selectmen to Merrimack College (MC) has not yet been received nor have they received evidence of the 1948 agreement. The Town Manager will contact the President's Office at MC and initiate a request for a meeting. MC held a closed hearing and is writing a letter of recommendation with conditions to the Town's Building Inspectors. The Planning Board will make a recommendation only to the Inspector of Buildings; appeals on the building permit decision can be made to the Inspector of Buildings. Conditions of the Conservation Commission have to be included in the Order of Conditions. Sewer permits can be granted by the Board of Health but only the Board of Selectmen, acting as Water/Sewer Commissioners have the right to deny or approve an intermunicipal water/sewer agreement.

Lois Marquis, 3 Woodcliff Road, distributed pictures of the current buffer zones that are in despair and not being taken care of by Merrimack and questioned MC's intent to take care of the property. Kristen Spinale, 23 Rock Ridge Road, said there are still a lot of water issues in the area and wants to know whose responsibility it is to fix them.

There was a discussion on the process of reopening a public hearing after it has been closed and if information from other Town offices could be added to the record.

~ Tennessee Gas Pipeline Project

Kinder-Morgan (KM) obtained a preliminary filing for the pipeline project and will hold a Regional Meeting to share information on the status of the project. KM is also having a one-on-one meeting with Dracut in a few months. The Town Manager suggested Andover host the Regional Meeting in October or November which the Board of Selectmen agreed to.

~ Town Website

* Posting Board agendas/minutes

The Town Manager said all meeting agendas are posted on the website and they are working towards having minutes of all the boards/committees available on-line as well. The Town website needs to be updated but we are not quite ready to do that yet. The emphasis right now is getting the voice over IP phone system up and running for the Town and Schools. The Manager said the Town website provides a good substance of information. This item is included under the Town Manager's goals under Goal #2 – Unified Communication Infrastructure.

C. Town Yard

The Board of Selectmen agreed that the current Town Yard in the Lewis Street area should be relocated and are interested in sponsoring a zoning article to create an overlay district in the Lewis Street area for the 2015 Annual Town Meeting. First, they need to produce evidence of what the most cost-efficient facility would look like, what the square footage would be, what the needs of the Town are, and establish a budget. Even though both items (Town Yard and the zoning article) are related, they have two different timelines – a discussion on the Town Yard should not hijack the discussion on economic development in that area. The Board agreed to set up a special workshop of two uninterrupted hours to discuss the Town Yard project. Chairman Kowalski distributed a worksheet he created using the debt analysis tool showing different options and the impact on taxes.

Tim Vaill, 9 Bancroft Road and Chairman of the EDC, suggested the Board keep an open mind about the zoning article as it is still early in the process. Steve Fink, 26 Bateson Drive and leader of Sustainable Andover, supports the Town in this endeavor which will be a community effort. Director of Planning Paul Materazzo said they are holding

a meeting on October 16th to get input from the community on changing zoning in the current Town Yard area.

Mary Carbone, 3 Cyr Circle, said she has been hearing about a new Town Yard since 1979. She talked about the public not being able to speak at the work sessions and continued on about this for quite some time.

Mary O'Donoghue motioned to adjourn the meeting and the motion was seconded by Paul Salafia. Mary O'Donoghue subsequently withdrew her motion to adjourn.

Brian Major said the Board takes offense to comments made relative to individual citizens of the community. Andover is extremely lucky to have so many qualified citizens who volunteer their time in support of Town projects. Chairman Kowalski said he would allow Mary Carbone 30 seconds to finish her statement but she declined.

D. Board of Selectmen Policy Discussion

1. Annual Policy Review - Paul Salafia volunteered to assist Larry Murphy in the Annual Policy Review.

2. Proposed Meeting Minutes Policy

Larry Murphy reported on the Chairman's request to review the Meeting Minutes Policy and to consider establishing a definitive release period of minutes. Mr. Murphy feels the statutory reasonableness standard is heavily regulated under the Open Meeting Law and sufficiently detailed. The Board does not see any reason to change the policy at this time but should consider having a quarterly review to look at the status of executive session minutes. The policy will be reviewed as part of the Annual Policy Review.

3. New E-mail Policy

The new e-mail addresses for members of Town boards and committees will provide a uniform address for the Town, Schools, and Public Safety by moving to one domain across town. Members of Town boards have been signing up for the new e-mail addresses and will receive a refresher course to enhance their communications and learn how to use email properly as board members.

E. Board of Selectmen and Town Manager's Goals & Objectives

The Town Manager distributed his 2014 Goals and Objectives to the Board of Selectmen which includes a brief summary of each item and associated timelines. The goals include: (1) Customer Service, (2) Unified Communication Infrastructure, (3) Parking Management Plan, (4) Permitting Approval Process and (5) Town Yard/Municipal Services Facility.

F. Proposed Budget Schedule – Hold, no action taken

G. North Reading Intermunicipal Agreement for Water

Chairman Kowalski updated the Board on the chronology of events relative to the renewal of the North Reading Intermunicipal Agreement for water. The contract has not been renewed since 2011 and in February 2014 a proposed rate schedule was provided to the North Reading Board of Selectmen and meetings were to be scheduled to solidify the contract. In April 2014, Andover's Board of Selectmen set a Special Municipal Water rate that went into effect May 1st – still no agreement from North Reading. North Reading submitted payment but paid less than the amount billed (an oversight on their part). North Reading has a new Town Manager and there has been a turnover on the Board of Selectmen so they are all trying to get up to speed and they have several questions for the Board, one of which is to ask if Andover would like to supply 100% of their water needs or consider proposing a long term contract.

Chris Cronin, Director of Municipal Services, said it would be extremely challenging for Andover to provide all of North Reading's water and he would need to look at the rate MWRA provides. Andover's Board of Selectmen is not interested in presenting a ten year contract. The Board directed the Town Manager to meet with the North Reading Town Manager, advise them to bring their account up-to-date, present North Reading with a 5-year contract with minimums and an established rate of \$3.50 per gallon with a 2.5% escalator for each additional year and to bring back a signed contract.

H. Future Meeting Dates

The Board agreed to the following future meetings: October 6th and 20th; November 3rd and 17th; December 1st and 15th.

VII. All Other Business – None

VIII. Consent Agenda

A. Appointments and Re-appointments

On a motion by Paul Salafia and seconded by Brian Major, the Board of Selectmen voted 5-0 that the following appointments by the Town Manager be approved:

DEPARTMENT	POSITION	RATE	EFF. DATE
<u>POLICE DEPARTMENT</u>			
David J. Carriere, Jr.	Parking Clerk – PT (v. L. Lane)	IE10-1-0/\$19.59/hr.	9/30/14
<u>MEMORIAL HALL LIBRARY</u>			
Caitlin Leyne	Page – PT (v. A. Richmond)	L1-1/\$8.00/hr.	10/1/14

TRIAD COUNCIL

Joseph F. Gifun – Term expires 6/30/15
(v. D. LaPointe)

CONSERVATION OVERSEER – Term expires 6/30/17

James Harvey

And that the following re-appointment be approved:

CONSERVATION OVERSEER – Term expires 6/30/17

Ellen Townson – Dug Pond & Wild Rose Reservation

IX. Approval of Executive Session Minutes – None

X. Adjournment

At 10:46 P.M., on a motion by Mary O'Donoghue and seconded by Alex Vispoli, the Board unanimously voted to adjourn the Regular Meeting of September 22, 2014.

Respectfully submitted,

Dee DeLorenzo
Recording Secretary

- Letter from Attorney Carol McGravey of Urbelis & Fieldsteel re: Open Space Land Deed for Dawn Circle/Sunnyside Acres subdivision
- Memo from Town Manager to CIO Paul Puzzanghera re: Town Website
- Letter from North Reading Town Administrator re: Water Agreement
- Letters to Kimberly Bose, Secretary of Federal Energy Regulatory Commission from Tennessee Gas Pipeline and the Commonwealth of Massachusetts Executive Office of Energy and Environmental Affairs
- Town Manager's FY-15 Goals and Objectives